



February 15, 1980
NUMBER 1400.6

Department of Defense Directive

ASD(MRA&L)

SUBJECT

DoD Civilian Employees in Overseas Areas

References:

- (a) DoD Directive 1400.6, "Statement of Personnel Policy for Civilian Personnel of the Department of Defense in Overseas Areas," January 16, 1976 (hereby canceled)
- (b) DoD Directive 1400.5, "Statement of Personnel Policy for Civilian Personnel in the Department of Defense," January 16, 1970
- (c) DoD Instruction 1401.1, "Personnel Policy for Nonappropriated Fund Instrumentalities (NAFIs)," July 24, 1978
- (d) DoD Instruction 1400.23, "Employment of Dependents of Military and Civilian Personnel Stationed in Foreign Areas," September 18, 1974
- (e) DoD Instruction 1404.8, "Rotation of Employees from Foreign Areas and the Canal Zone," April 10, 1968
- (f) DoD Instruction 1418.1, "Payment of Differentials and Allowances in Foreign Areas," September 16, 1974
- (g) DoD Instruction 1400.10, "Utilization by United States Forces of Local Nationals in Foreign Areas," June 8, 1956

A. REISSUANCE AND PURPOSE

This Directive reissues reference (a), supplements reference (b), and establishes the policy for DoD civilian employees in areas outside the continental limits of the United States and in Alaska (herein referred to as "overseas areas").

B. APPLICABILITY

The provisions of this Directive apply to the Office of the Secretary of Defense, the Military Departments, and the Defense Agencies, including DoD nonappropriated fund activities (as defined in reference (c)). As used herein, Military Services refers to the Army, Navy, Air Force, and Marine Corps.

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C. POLICY

1. When using civilian staffing support in overseas areas, each Military Service commander shall employ a civilian manpower mix--U.S. citizens and local nationals--that blends financial prudence, conformance with host country agreements or treaties, availability of qualified local national personnel, and the desired low-key presence of the U.S. Government abroad.

2. When it is advantageous to employ civilian employees in overseas areas, maximum use shall be made of U.S. and non-U.S. citizens available locally. Unless precluded by treaties or other agreements that give preferential treatment to local nationals, preference shall be given to dependents of military and civilian personnel as provided in DoD Instruction 1400.23 (reference (d)). Personnel transferred from or recruited in the United States shall be limited to key personnel, those regarded as essential for security reasons, or those possessing skills that are not available locally.

3. It is the policy of the Department of Defense to encourage its more capable employees in the Continental United States to accept overseas assignments as a part of their career development. In order to promote the efficiency of worldwide operations, employment of U.S. citizens in foreign areas shall generally be limited to 5 years, as provided in DoD Instruction 1404.8 (reference (e)). Rights to return to a position in the Continental United States shall be given to DoD career and career-conditional employees who accept assignments overseas with the Department of Defense.

4. In making a determination of the numbers and types of U.S. employees for overseas areas, the Military Service Commander shall consider the ability of the command to ensure adequate housing; subsistence; and medical, commissary, exchange, laundry, transportation, and other essential facilities and services. Except when required to meet unexpected emergency conditions, an overseas commander shall not request recruitment from the United States unless the command can provide such facilities to meet health and decency standards.

5. In those overseas areas where DoD employees cannot enjoy the facilities of the civilian community without restriction or where appropriate and adequate facilities do not exist or are not readily available, the military commander shall allocate facilities under the commander's jurisdiction in accordance with a standard of eligibility that provides equitable treatment to both military and civilian personnel recruited from the United States.

Feb 15, 80
1400.6

6. Since DoD civilian employees in overseas areas are representatives of the United States, it is the policy of the Department of Defense to use effective selection techniques to ensure that only those persons whose qualifications and adjustability make them suited for overseas employment are selected. Full and accurate information shall be given to prospective employees on the overseas area for which they are being considered, the type of facilities that will be made available to them, the nature of the work they will perform, the conditions of their employment, and their responsibilities to the military command and to the United States as the nation they represent.

7. Individuals selected for overseas assignments shall be considered solely on the basis of merit factors without reference to such nonmerit factors as race, color, religion, national origin, sex, physical handicap, marital status, or age. Exclusionary policies of the country to which an employee is to be assigned shall not be a factor in the selection process. U.S. law must be observed in filling jobs, not the policy of a foreign nation. See enclosure 1.

8. The Department of Defense recognizes that to obtain and retain the services of DoD civilian employees of the caliber required in its overseas areas, it may be necessary to provide pay differentials and allowances over and above base salary. Therefore, within the provisions of applicable laws and regulations (DoD Instruction 1418.1, reference (f)), DoD civilian employees serving in overseas areas shall be granted differentials and allowances that are appropriate to their places of employment and their employment conditions.

9. Military and civilian personnel in supervisory positions in overseas areas shall be trained in the techniques of supervision directed toward maximum production, safe operation, high morale, and the development of a military-civilian team devoted to the effective and economical accomplishment of the mission of the overseas activity.

10. When permitted by U.S. and host country treaty or agreement, U.S. law, and management considerations, the Department of Defense shall pattern its employment conditions for locally hired non-U.S. citizen employees after the customs and practices of the area (DoD Instruction 1400.10, reference (g)). Compensation for such employees shall be based upon locally prevailing rates of pay. These employees shall receive the necessary training to equip them to perform their duties, make them more productive, and qualify them for advancement.

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Filing	Index
Date	Page
A-1	

D. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Forward one copy of implementing documents to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) within 120 days.


W. Graham Claytor, Jr.
Deputy Secretary of Defense

**Enclosure 1
Procedures When Visa is Denied for Discriminatory Reasons**

Feb 15, 80
1400.6 (Encl 1)

PROCEDURES WHEN VISA IS DENIED
FOR DISCRIMINATORY REASONS

A. Should a civilian employee be denied an entry visa by a sovereign foreign nation, and should this denial be based upon race, color, marital status, religion, national origin, sex, physical handicap, or age, notification of this denial shall be transmitted quickly to the Assistant Secretary of Defense (International Security Affairs) (ASD(ISA)). The ASD(ISA) shall notify the Department of State who shall intercede with the foreign nation concerned.

B. Notification of the denial shall contain the following information in the format outlined below:

1. Name of Visa Applicant:
2. Agency:
3. Purpose of Visa:
4. Date of Denial:
5. Foreign Nation Involved:
6. Authority Issuing Denial: